



California Fair Political Practices Commission

November 3, 1988

Peter Bagatelos
Bagatelos & Fadem
601 California St., Ste. 1801
San Francisco, CA 94108

Re: Your Request for Informal
Assistance
Our File No. I-88-395

Dear Mr. Bagatelos:

You have requested informal assistance with regard to the campaign disclosure provisions of the Political Reform Act.^{1/}

Your summary of my October 11, 1988, telephone assistance is correct, as follows:

1. A recipient committee which provides full and adequate consideration for payments received from participants in a joint mailing has not received "contributions" from the participants and, therefore, will disclose the payments on Schedule G of the Form 420 or 490 as "miscellaneous increases to cash." (Section 82015.)
2. Regulation 18435 states that the sender of a mass mailing is the "candidate or committee who pays for the largest portion of expenditures attributable to the designing, printing and posting of the mailing."
3. Committees primarily formed to support or oppose a ballot measure are specifically excluded from the definition of "slate mailer organization" (Section 82048.5(b)(4)) and are not required to comply with the identification or disclaimer requirements of Section 84305.5 for mailings sent by such organizations.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

Peter Bagatelos
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I also concur with your conclusion that a ballot measure committee is making contributions when it includes non-paying candidates or measures in a mailing at the behest of the non-paying candidates or ballot measure committees. (Section 82015.).

If you have additional questions, please call me.

Sincerely,

Diane M. Griffiths
General Counsel

Carla Wardlow KMT.

By: Carla Wardlow
Political Reform Consultant

LAW OFFICES OF
BAGATELOS & FADEM .

BARRY FADEM
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October 12, 1988

Ms. Carla Wardlow
Fair Political Practices Commission
Technical Assistance Division
428 J Street, Suite 800
Sacramento, CA 95814

Dear Carla:

This will confirm our telephone conversation on October 11, 1988. I asked you whether there are any particular disclaimer or identification requirements for a committee primarily formed to support or oppose a ballot measure, which also sends a slate mailer. The slate mailer would include a number of candidates and/or measures, some of whom will pay for a portion of the mailer.

I advised you that my interpretation is that this is in the nature of a joint mailing on the part of two or more committees. As such, the ballot measure committee would report the receipt of monies from some or all of the participants in the mailer as miscellaneous receipts on Schedule G of its Form 420. Pursuant to the definition of who is a "sender" under Regulation Section 18435, the committee which pays the greatest amount of the cost of the mailing would be identified as the sender in at least 6-point type on the outside envelope and on at least one insert. The provisions applying to slate mailer organizations, as defined in the Political Reform Act, would not apply to such a ballot measure committee, because of the exclusion contained in Government Code Section 82048.5(b)(4). Therefore, there would be no asterisk or other disclaimer requirements applicable to such a mass mailing.

You indicated that you concurred with the above analysis.

We did not discuss in this telephone conversation, but we have discussed previously, that where there is coordination between the ballot measure committee and the other participants who do not pay for a place on the mass mailing, then there would be a non-monetary contribution by the ballot measure committee to those other campaign committees.

Thank you very much for your assistance.

Very truly yours,


Peter A. Bagatelos

PAB/yjw

88-395

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